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THE COMMONWEALTH OF MASSACHUSETTS
BOARD OF CONCILIATION AND ARBITRATION

FISCAL 1983
ANNUAL REPORT

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BOARD OF CONCILIATION AND ARBITRATION: ANNUAL REPORT - FY 1983

I. The Board and Its Mission

The Board of Conciliation and Arbitration is an independent, quasi-judicial agency within the Executive Office of Labor, but not subject to the jurisdiction thereof. The policy behind the creation of the Board is expressed in Chapter 23C of the General Laws, the Board's enabling act:

It is hereby declared to be the public policy of this state that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; and it shall be the responsibility and objective of the board of conciliation and arbitration to take such steps as will most effectively and expeditiously encourage the parties to a labor dispute to agree on the terms of a settlement or to agree on the method and procedure which shall be used to resolve a dispute.

Other specific responsibilities of the Board are set forth in the following state laws:

M.G.L. c. 91 App.	Board jurisdiction in labor relations at the Massachusetts Port Authority
M.G.L. c. 150	Board jurisdiction in labor disputes
M.G.L. c. 150C	Labor arbitration and standards of review for arbitration awards
M.G.L. c. 150E	Board jurisdiction in public sector collective bargaining
M.G.L. c. 161A	Board jurisdiction in labor relations at the Massachusetts Bay Transportation Authority
St. 1962, c.760	Board jurisdiction in labor relations at the Massachusetts Turnpike Authority; the Massachusetts Port Authority; the Massachusetts Parking Authority; and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

II. The Board's Functions

The Board fulfills its mission by providing several services to the Massachusetts labor relations community.

A. Interest Mediation

Through mediation the Board's staff of professional mediators assists public and private sector managements and unions to resolve disputes arising out of contract negotiations. The mediation service is the Board's highest program priority because negotiation disputes have greatest potential for causing disruptions in the workplace. In addition, disputes involving one group of employees can often set off a ripple effect involving different employee groups working for the same employer or even other employers. Because disruptions in the workplace can have substantial economic consequences for the employer and the community in which the employer is located, as well as for the union and employees, a speedy settlement is in the best interest of all concerned.

The Board's mediation service constitutes a form of local aid because cities and towns are the heaviest users of this service, which is provided at no charge to the parties in a labor dispute. There is sound policy behind this system. The state has economic and non-economic interests in the rapid resolution of labor disputes, and these interests ought not depend on the parties' ability to pay for the help of professional neutrals.

B. Grievance Mediation

As a matter of policy the Board now attempts prehearing settlement of all grievance arbitration cases pending before it. In implementing this policy the Board seeks to promote amicable relations which will make the parties' day-to-day relationship, as well as each succeeding round of bargaining, easier and more productive.

C. Mediation of Unfair Labor Practices

Chapter 351 of the Acts of 1981 amended Section 11 of C. 150E to permit the Labor Relations Commission to refer certain unfair labor practice cases to the Board. During fiscal year 1983 nine cases were referred to the Board, three of which were settled during 1983 with Board assistance, enabling the parties to avoid litigating those disputes. Only one was referred back to the Labor Relations Commission for adjudication. The balance continued in mediation after June 30, 1983.

D. Grievance Arbitration

Board arbitrators hear and decide labor relations disputes involving the interpretation and application of collective bargaining agreements. During 1983 eighty-one of the Board's arbitration cases came from the public sector and 129 came from the private sector. 62% of these cases were closed by June 30, 1983.

E. Education Programs for the Labor Relations Community

The Board participates with other government agencies and private individuals and groups in developing and presenting educational programs for the labor relations community. Through these programs the Board seeks to educate labor and management groups about the advantages of developing mature, productive, and harmonious relationships between labor and management and to instruct the parties in the methods, techniques and art of resolving disputes and building positive working relationships.

III. New Directions at the Board in 1983

The Board has made changes in the areas of professional staff development, the handling of grievance mediation, and its code of conduct.

A. Professional Staff Development

Because labor relations is a changing and complex field, the professional employees of the Board have been encouraged to participate in in-depth training in addition to the half-day and one-day programs that Board staff have customarily attended in the past. As a result, for the first time the Board has enrolled employees in management training programs under the direction of the Department of Personnel Administration. During Fiscal 1983 two mediators completed approximately 100 hours of management training in a program conducted by the Institute for Governmental Services at the University of Massachusetts. The Chairman and Vice Chairman completed the week-long, intensive Senior Executive Program at the John F. Kennedy School of Government at Harvard University.

B. Systemization of Grievance Mediation

In the past the Board has informally encouraged the parties coming before it to settle their differences voluntarily. This approach has been somewhat formalized during Fiscal 1983. Beginning late in the fourth quarter of this year, arbitrators were encouraged to begin each case with a pre-hearing conference, giving the parties an opportunity to explain their case off the record. This process seems to generate settlements in 40% to 50% of the cases.

The Board has developed another method for fostering voluntary settlements of grievances. Where our records show that certain bargaining units in either the public or the private sector are filing an unusual number of grievances, the Board offers mediation assistance several weeks in advance of the arbitration hearing dates assigned to the cases. Where the parties take advantage of this service, it appears to result in settlement over 90% of the time. Over the long term, it is expected that this process will prevent grievances from accumulating and will lay the foundation for sounder bargaining at the negotiating table.

C. Code of Conduct

During Fiscal 1983 the Board further strengthened the ethical standards of its staff. In addition to the prohibition against doing privately paid mediation and arbitration cases for parties located in Massachusetts, the Board has a prohibition against taking any form of remuneration from the parties to a Board case. Board employees are further prohibited from engaging in business which contracts with any of the parties that use the Board.

IV. Long-run Benefits of the Reorganization of the Board

In July 1981, the Board was established as an independent agency. This had the immediate effect of cutting personnel costs and enabling the Board to expedite its arbitration caseload, most notably by eliminating the permanent three-member-panel which sat on arbitration hearings.

Other, more subtle, benefits have become apparent as a result of the consolidation of management in the chairman. Prior to the reorganization managerial authority was diffused among the three associate commissioners, and the commissioner, and assistant commissioner of the Department of Labor and Industries. With reorganization the Board became autonomous and the chairman was given real as well as nominal authority to run the Board. Subsequent appointment of an assistant chairman has enhanced the Board's managerial efficacy.

The new structure has enabled the Board to pursue more effectively its statutory goals of prevention and prompt settlement of labor disputes. Mediation cases are now assigned within a few days of receipt of a petition and arbitration cases are scheduled within 30 to 60 days. Thirty days has become the standard for issuance of written, fully reasoned arbitration decisions. In pursuing these goals, the Board holds staff members to a strict code of conduct and promotes professional development.

Since becoming an independent agency, the Board has streamlined and strengthened its management structure and become a leaner, more efficient organization. There is also a greater sense of professionalism

and team effort among agency staff. Most important, the Board has been able to provide higher quality services to the labor relations community.

V. Plans for 1984

To fulfill more effectively its mission of promoting peaceful and productive labor-management relations, the Board will be expanding its grievance mediation service and its education programs. It will also seek to improve its own internal operations through the introduction of new office systems.

A. Grievance Mediation

Believing that the parties are best served when they are encouraged to resolve their own grievances, the Board will offer, whenever possible, the services of a staff mediator to all parties filing petitions for arbitration. The Board cannot guarantee the availability of this service in every case, because staff are not always available. However, because interest mediation tends to be seasonal, there is good reason to anticipate that grievance mediation services can be expanded significantly without exceeding authorized personnel levels.

B. Education and Outreach

The Board also plans to expand its public education and outreach programs. Staff members will speak to interested groups about developing sound labor-management practices and will describe the Board's services. They will also participate in workshops and short courses offered by other labor, management, and neutral organizations.

C. Office Automation

To help insure that staff time is utilized in an efficient and productive manner, the Board is planning implementation of a two-fold office automation program. One component of this program is a management information system which is expected to (a) distribute work more equitably

and (b) promote a better analytical understanding of the mediation process by developing a data base for studying the phenomenon. The second component is word-processing capability to permit faster decision-writing. It is expected that implementation of the office automation program will also facilitate the Board's ability to develop a sound records management program. Working in conjunction with the Records Conservation Board, the Board anticipates that, by the end of the fiscal year, it will have developed disposal schedules for all record series and will be ready to transfer to the archives those records determined to be of permanent value.

D. Staff Development

Finally, because an agency's ability to meet its responsibilities and fulfill its mission is directly related by the quality of its staff, during the coming year the Board will continue to encourage staff members to participate in professional meetings, conferences and workshops, to undertake formal study in subjects relevant to their work, and to contribute to the professional literature.

MASSACHUSETTS BOARD OF CONCILIATION AND ARBITRATION

June 30, 1983 Disposition of Mediation Cases Received by the Board during Fiscal 1983

Source of Case	Total	Settled in initial me- diation phase	Settled in mediation by factfinder	Settled after factfinder's report	Settled in further mediation	Returned to referring agency	Open
<u>PUBLIC SECTOR</u>							
M.G.L. c. 150E, § 9 (Direct petition)	237	135	13	1	--	Not applicable	88
M.G.L. c. 150E, § 11 (Lab. Rel. Comm. referral)	9	3	--	--	--	1	5
M.G.L. c. 150E, § 4A (JLMC re- ferral)	5	4	--	--	--	--	1
<u>PRIVATE SECTOR</u>							
M.G.L. c. 150 (Direct petition)	92	88	Not applicable	Not applicable	Not applicable	Not applicable	4
<u>ALL CASES</u>	343	230	13	1	--	1	98